

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. If and only if Senate Bill 1417 of the 100th General Assembly becomes law, then the Consumer Electronics Recycling Act is amended by changing Sections 1-5, 1-10, 1-15, 1-20, 1-25, 1-30, 1-35, 1-40, 1-45, 1-50, 1-55, and 1-85 and by adding Section 1-84 as follows:

(100SB1417enr., Sec. 1-5)

Sec. 1-5. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Best practices" means standards for collecting and preparing items for shipment and recycling. "Best practices" may include standards for packaging for transport, load size, acceptable load contamination levels, non-CED items included in a load, and other standards as determined under Section 1-85 of this Act. "Best practices" shall consider the desired intent to preserve existing collection programs and relationships when possible.

"Collector" means a person who collects residential CEDs at any program collection site or one-day collection event and prepares them for transport.

"Computer", often referred to as a "personal computer" or "PC", means a desktop or notebook computer as further defined below and used only in a residence, but does not mean an automated typewriter, electronic printer, mobile telephone, portable hand-held calculator, portable digital assistant (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals, commonly known as cables, mouse, or keyboard. "Computer" is further defined as either:

- (1) "Desktop computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a desktop computer is achieved through a stand-alone keyboard, stand-alone monitor, or other display unit, and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop computer has a main unit that is intended to be persistently located in a single location, often on a desk or on the floor. A desktop computer is not designed for portability and generally utilizes an external monitor, keyboard, and mouse with an external or internal power supply for a power source. Desktop computer does not

include an automated typewriter or typesetter; or

(2) "Notebook computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a notebook computer is achieved through a keyboard, video display greater than 4 inches in size, and mouse or other pointing device, all of which are contained within the construction of the unit that comprises the notebook computer; supplemental stand-alone interface devices typically can also be attached to the notebook computer. Notebook computers can use external, internal, or batteries for a power source. Notebook computer does not include a portable hand-held calculator, or a portable digital assistant or similar specialized device. A notebook computer has an incorporated video display greater than 4 inches in size and can be carried as one unit by an individual. A notebook computer is sometimes referred to as a laptop computer.

(3) "Tablet computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or

storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a tablet computer is achieved through a touch screen and video display screen greater than 6 inches in size (all of which are contained within the unit that comprises the tablet computer). Tablet computers may use an external or internal power source. "Tablet computer" does not include a portable hand-held calculator, a portable digital assistant, or a similar specialized device.

"Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a computer and is used only in a residence.

~~"County collection site" means a collection site owned or operated by a county or operated by a third party on behalf of a county.~~

"County recycling coordinator" means the individual who is designated as the recycling coordinator for a county in a waste management plan developed pursuant to the Solid Waste Planning and Recycling Act.

"Covered electronic device" or "CED" means any computer, computer monitor, television, printer, electronic keyboard,

facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail ~~and taken out of service from a residence in this State~~. "Covered electronic device" does not include any of the following:

(1) an electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) an electronic device that is functionally or physically part of a larger piece of equipment or that is taken out of service from an industrial, commercial (including retail), library checkout, traffic control, kiosk, security (other than household security), governmental, agricultural, or medical setting, including but not limited to diagnostic, monitoring, or control equipment; or

(3) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, water pump, sump pump, or air purifier. To the extent allowed under federal and State laws and regulations, a CED that is

being collected, recycled, or processed for reuse is not considered to be hazardous waste, household waste, solid waste, or special waste.

"Covered electronic device category" or "CED category"
means each of the following 8 categories of residential CEDs:

- (1) computers and small-scale servers;
- (2) computer monitors;
- (3) televisions;
- (4) printers, facsimile machines, and scanners;
- (5) digital video disc players, digital video disc recorders, and videocassette recorders;
- (6) video game consoles;
- (7) digital converter boxes, cable receivers, and satellite receivers; and
- (8) electronic keyboards, electronic mice, and portable digital music players that have memory capability and are battery powered.

"Manufacturer" means a person, or a successor in interest to a person, under whose brand or label a CED is or was sold at retail. For any CED sold at retail under a brand or label that is licensed from a person who is a mere brand owner and who does not sell or produce a CED, the person who produced the CED or his or her successor in interest is the manufacturer. For any CED sold at retail under the brand or label of both the retail seller and the person that produced the CED, the person that produced the CED, or his or her successor in interest, is

the manufacturer.

"Manufacturer clearinghouse" means a group of 2 or more manufacturers, representing at least 50% of the manufacturers' total obligations under this Act for a program year, that are cooperating with one another to collectively establish and operate an e-waste program for the purpose of complying with this Act.

"Manufacturer e-waste program" means any program established, financed, and operated by a manufacturer, individually or as part of a manufacturer clearinghouse, to transport and subsequently recycle, in accordance with the requirements of this Act, residential CEDs collected at program collection sites and one-day collection events ~~in accordance with best practices.~~

"Municipal joint action agency" means a municipal joint action agency created under Section 3.2 of the Intergovernmental Cooperation Act.

"One-day collection event" means a one-day event used as a substitute for a program collection site pursuant to Section 1-15 of this Act.

"Person" means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity; or a legal representative, agent, or assign of that entity. "Person" includes a unit of local government.

"Printer" means desktop printers, multifunction printer copiers, and printer/fax combinations taken out of service from a residence that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that perform different tasks, including without limitation copying, scanning, faxing, and printing. Printers do not include floor-standing printers, printers with optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non-stand-alone printers that are embedded into products that are not CEDs.

"Program collection site" means a physical location that is included in a manufacturer e-waste program and at which residential CEDs are collected and prepared for transport by a collector during a program year in accordance with the requirements of this Act. Except as otherwise provided in this Act, "program collection" site" does not include a retail collection site.

"Program year" means a calendar year. The first program year is 2019.

"Recycler" means any person who transports or subsequently recycles residential CEDs that have been collected and prepared for transport by a collector at any program collection site or one-day collection event.

"Recycling" has the meaning provided under Section 3.380 of the Environmental Protection Act. "Recycling" includes any process by which residential CEDs that would otherwise be disposed of or discarded are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

"Residence" means a dwelling place or home in which one or more individuals live.

"Residential covered electronic device" or "residential CED" means any covered electronic device taken out of service from a residence in the State.

"Retail collection site" means a private sector collection site operated by a retailer collecting on behalf of a manufacturer.

"Retailer" means a person who first sells, through a sales outlet, catalogue, or the Internet, a covered electronic device at retail to an individual for residential use or any permanent establishment primarily where merchandise is displayed, held, stored, or offered for sale to the public.

"Sale" means any retail transfer of title for consideration of title including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means. "Sale" does not include financing or leasing.

"Small-scale server" means a computer that typically uses desktop components in a desktop form designed primarily to

serve as a storage host for other computers. To be considered a small-scale server, a computer must: be designed in a pedestal, tower, or other form that is similar to that of a desktop computer so that all data processing, storage, and network interfacing is contained within one box or product; be designed to be operational 24 hours per day and 7 days per week; have very little unscheduled downtime, such as on the order of hours per year; be capable of operating in a simultaneous multi-user environment serving several users through networked client units; and be designed for an industry-accepted operating system for home or low-end server applications.

"Television" means an electronic device that contains ~~(i) containing~~ a cathode-ray tube or flat panel screen the size of which is greater than 4 inches when measured diagonally and ~~(ii) that~~ is intended to receive video programming via broadcast, cable, ~~or~~ satellite, internet, or other mode of video transmission or to receive video from surveillance or other similar cameras, ~~and (iii) that is used only in a residence.~~

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-10)

Sec. 1-10. Manufacturer e-waste program.

(a) For program year 2019 and each program year thereafter, each manufacturer shall, individually or as part of a manufacturer clearinghouse, provide a manufacturer e-waste

program to transport and subsequently recycle, in accordance with the requirements of this Act, residential CEDs collected at, and prepared for transport from, the program collection sites and one-day collection events included in the program during the program year.

(b) Each manufacturer e-waste program must include, at a minimum, the following:

(1) satisfaction of the convenience standard described in Section 1-15 of this Act;

(2) instructions for designated county recycling coordinators and municipal joint action agencies to annually file notice to participate in the program;

(3) transportation and subsequent recycling of the residential CEDs collected at, and prepared for transport from, the program collection sites and one-day collection events included in the program during the program year; and

(4) submission of a report to the Agency, by March 1 ~~January 31~~, 2020, and each March 1 ~~January 31~~ thereafter, which includes:

(A) the total weight of all residential CEDs transported from program collection sites and one-day collection events throughout the State during the preceding program year by CED category;

(B) the total weight of residential CEDs transported from all program collection sites and one-day collection events in each county in the State

during the preceding program year by CED category; and

(C) the total weight of residential CEDs transported from all program collection sites and one-day collection events in each county in the State during that preceding program year and that was recycled.

(c) Each manufacturer e-waste program ~~The Agency~~ shall make the instructions required under paragraph (2) of subsection (b) available on its ~~the Agency's~~ website by December 1, 2017, and the program shall provide to the Agency a hyperlink to the website for posting on the Agency's website.

(d) Nothing in this Act shall prevent a manufacturer from accepting, through a manufacturer e-waste program, residential CEDs collected through a curbside collection program that is operated pursuant to an agreement between a third party and a unit of local government located within a county or municipal joint action agency that has elected to participate in a manufacturer e-waste program.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-15)

Sec. 1-15. Convenience standard for program collection sites and one-day collection events.

(a) Beginning in 2019 each manufacturer e-waste program for a program year must include, at a minimum, program collection sites in the following quantities in counties that elect to

participate in the manufacturer e-waste program for the program year:

(1) one program collection site in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is less than 250 individuals per square mile;

(2) two program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 250 individuals per square mile but less than 500 individuals per square mile;

(3) three program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 500 individuals per square mile but less than 750 individuals per square mile;

(4) four program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 750 individuals per square mile but less than 1,000 individuals per square mile;

(5) five program collection sites in each county that has elected to participate in the manufacturer e-waste

program for the program year and that has a population density that is greater than or equal to 1,000 individuals per square mile but less than 5,000 individuals per square mile; and

(6) fifteen ~~ten~~ program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 5,000 individuals per square mile.

For purposes of this Section, county population densities shall be based on the entire county's population density, regardless of whether a municipality or municipal joint action agency in the county participates in a manufacturer e-waste program.

If a municipality with a population of over 1,000,000 residents elects ~~notifies the program of the municipality's desire to participate in a manufacturer e-waste~~ the program for a program year, then the program ~~that municipality~~ shall provide 10 additional ~~receive 15~~ program collection sites for the program year to be located in that municipality, and the program collection sites required under paragraph (6) of subsection (a) of this Section shall be ~~that municipality in addition to county sites, which shall be~~ located outside of the municipality.

If a municipal joint action agency elects to participate in a manufacturer e-waste program for a program year, it shall

receive, for that year, a population-based pro rata share of the program collection sites that would be granted to the county in which the municipal joint action agency is located if the county were to elect to participate in the program for that year, rounded to the nearest whole number.

A designated county recycling coordinator may elect to operate more than the required minimum number of collection sites.

(b) Notwithstanding subsection (a) of this Section, any county, municipality, or municipal joint action agency ~~the county recycling coordinator for a county~~ that elects to participate in a manufacturer e-waste program may enter into a written agreement with the operators of any manufacturer e-waste program in order to do one or more of the following:

(1) to decrease the number of program collection sites in the county, municipality, or territorial boundary of the municipal joint action agency for the program year;

(2) to substitute a program collection site in the county, municipality, or territorial boundary of the municipal joint action agency with either (i) 4 one-day collection events ~~in the county~~ or (ii) a different number of such events ~~in the county~~ as may be provided in the written agreement;

(3) to substitute the location of a program collection site in the county, municipality, or territorial boundary of the municipal joint action agency for the program year

with another location ~~in the county; or~~

(4) to substitute the location of a one-day collection in the county, municipality, or territorial boundary of the municipal joint action agency with another location; or ~~in the county.~~

(5) to use, with the agreement of the applicable retailer, a retail collection site as a program collection site.

An agreement made pursuant to ~~paragraph~~ paragraphs (1) or (2) of this subsection (b) shall be reduced to writing and included in the manufacturer e-waste program plan as required under subsection (a) of Section 1-25 of this Act.

~~(c) To facilitate the equitable allocation of covered electronic device collection and recycling obligations among manufacturers participating in a manufacturer e-waste program, beginning November 1, 2018 and by November 1 of each year thereafter, the Agency shall determine each manufacturer's collection obligation for each CED category that takes into account the market share of a manufacturer so that the manufacturer's obligations are allocated based on the weight of the manufacturer's sales in each CED category, divided by the weight of all sales in each CED category multiplied by the proportion of the weight of CEDs in each CED category collected from county collection sites used in the manufacturer's e-waste program in the prior program year. The manufacturer's collection obligation calculated in this subsection (c) shall~~

~~be expressed as a percentage.~~

~~(d) Nothing in this Act shall prevent a manufacturer from using retail collection sites to satisfy the manufacturer's obligations under this Section.~~

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-20)

Sec. 1-20. Election to participate in manufacturer e-waste programs. Beginning with program year 2019, a county, a municipal joint action agency, or a municipality with a population of more than 1,000,000 residents may elect to participate in a manufacturer e-waste program by filing ~~having the county recycling coordinator file~~ with the manufacturer e-waste program and the Agency, on or before March 1, 2018, and on or before March 1 of each year thereafter for the upcoming program year, a written notice of election to participate in the program. The written notice shall include a list of proposed collection locations likely to be available and appropriate to support the ~~this~~ program, and may include locations already providing similar collection services. The written notice may include a list of registered recyclers that the county, municipal joint action agency, or municipality would prefer using for its collection sites or one-day events.

Counties, municipal joint action agencies, and municipalities with a population of more than 1,000,000 residents ~~County program coordinators~~ may contract with

registered collectors to operate collection sites. Eligible registered collectors are not limited to private companies and non-government organizations. ~~All collectors operating county supervised programs shall abide by the standards in Section 1-45.~~

~~Should a county elect not to participate in the program, a municipal joint action agency, representing residents within a certain geographic area in the non participating county can elect to participate in the e waste program on behalf of the residents of the municipal joint action agency.~~

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-25)

Sec. 1-25. Manufacturer e-waste program plans.

(a) By July 1, 2018, and by July 1 of each year thereafter for the upcoming program year, beginning with program year 2019, each manufacturer shall, individually or as a manufacturer clearinghouse, submit to the Agency a manufacturer e-waste program plan ~~and assume the financial responsibility for bulk transportation, packaging materials necessary to prepare shipments in compliance with best practices, and recycling of collected CEDs,~~ which includes, at a minimum, the following:

(1) the contact information for the individual who will serve as the point of contact for the manufacturer e-waste program;

(2) the identity of each county that has elected to participate in the manufacturer e-waste program during the program year;

(3) for each county, the location of each program collection site and one-day collection event included in the manufacturer e-waste program for the program year;

(4) the collector operating each program collection site and one-day collection event included in the manufacturer e-waste program for the program year;

(5) the recyclers that manufacturers plan to use during the program year to transport and subsequently recycle residential CEDs under the program, with the updated list of recyclers to be provided to the Agency no later than December 1 preceding each program year; and

(6) an explanation of any deviation by the program from the standard program collection site distribution set forth in subsection (a) of Section 1-15 of this Act for the program year, along with copies of all written agreements made pursuant to paragraphs (1) or (2) of subsection (b) of Section 1-15 for the program year.

(b) Within 60 days after receiving a manufacturer e-waste program plan, the Agency shall review the plan and approve the plan or disapprove the plan.

(1) If the Agency determines that the program collection sites and one-day collection events specified in the plan will satisfy the convenience standard set forth

in Section 1-15 of this Act, then the Agency shall approve the manufacturer e-waste program plan and provide written notification of the approval to the individual who serves as the point of contact for the manufacturer. The Agency shall make ~~post~~ the approved plan available on the Agency's website.

(2) If the Agency determines the plan will not satisfy the convenience standard set forth in Section 1-15 of this Act, then the Agency shall disapprove the manufacturer e-waste program plan and provide written notification of the disapproval and the reasons for the disapproval to the individual who serves as the point of contact for the manufacturer. Within 30 days after the date of disapproval, the ~~individual who serves as the point of contact for the~~ manufacturer shall submit a revised manufacturer e-waste program plan that addresses the deficiencies noted in the Agency's disapproval.

(c) Manufacturers shall assume financial responsibility for carrying out their e-waste program plans, including, but not limited to, financial responsibility for providing the packaging materials necessary to prepare shipments of collected residential CEDs in compliance with subsection (e) of Section 1-45, as well as financial responsibility for bulk transportation and recycling of collected residential CEDs.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-30)

Sec. 1-30. Manufacturer registration.

(a) By April 1, 2018, and by April 1 of each year thereafter for the upcoming program year, beginning with program year 2019, each manufacturer who sells CEDs in the State must register with the Agency by: (i) submitting to the Agency a \$5,000 ~~\$3,000~~ registration fee; and (ii) completing and submitting to the Agency the registration form prescribed by the Agency. Information on the registration form shall include, without limitation, all of the following:

(1) a list of all of the brands and labels under which the manufacturer's CEDs are sold or offered for sale in the State; and

(2) the total weights, by CED category, of residential ~~weight of all individual CEDs by category~~ sold or offered for sale under any of the manufacturer's brands or labels in the United States during the calendar year immediately preceding ~~2 years before~~ the applicable program year.

If, during a program year, any of the manufacturer's CEDs are sold or offered for sale in the State under a brand that is not listed in the manufacturer's registration, then, within 30 days after the first sale or offer for sale under that brand, the manufacturer must amend its registration to add the brand. All registration fees collected by the Agency pursuant to this Section shall be deposited into the Solid Waste Management Fund.

(b) The Agency shall post on its website a list of all registered manufacturers.

(c) Beginning in program year 2019, a manufacturer whose CEDs are sold or offered for sale in this State for the first time on or after April 1 of a program year must register with the Agency within 30 days after the date the CEDs are first sold or offered for sale in the State.

(d) Beginning in program year 2019, manufacturers shall ensure that only recyclers that have registered with the Agency and meet the recycler standards set forth in Section 1-40 are used to transport or recycle residential CEDs collected at any program collection site or one-day collection event.

(e) Beginning in program year 2019, no manufacturer may sell or offer for sale a CED in this State unless the manufacturer is registered and operates a manufacturer program either individually or as part of the manufacturer clearinghouse as required in this Act.

(f) Beginning in program year 2019, no manufacturer may sell or offer for sale a CED in this State unless the manufacturer's brand name is permanently affixed to, and is readily visible on, the CED.

(g) In accordance with a contract or agreement with a county, municipality, or municipal joint action agency that has elected to participate in a manufacturer e-waste program under this Act, manufacturers may, either individually or through the manufacturer clearinghouse, audit program collection sites and

proposed program collection sites for compliance with the terms and conditions of the contract or agreement. Audits shall be conducted during normal business hours, and a manufacturer or its designee shall provide reasonable notice to the collection site in advance of the audit. Audits of all program collection sites may include, among other things, physical site location visits and inspections and review of processes, procedures, technical systems, reports, and documentation reasonably related to the collecting, sorting, packaging, and recycling of residential CEDs in compliance with this Act.

(h) Nothing in this Act shall require a manufacturer or manufacturer e-waste program to collect, transport, or recycle any CEDs other than residential CEDs, or to accept for transport or recycling any pallet or bulk container of residential CEDs that has not been prepared by the collector for shipment in accordance with subsection (e) of Section 1-45.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-35)

Sec. 1-35. Retailer responsibilities.

(a) Beginning in program year 2019, no retailer who first sells, through a sales outlet, catalogue, or the Internet, a CED at retail to an individual for residential use may sell or offer for sale any CED in or for delivery into this State unless:

(1) the CED is labeled with a brand, and the label is

permanently affixed and readily visible; and

(2) the manufacturer is registered with the Agency at the time the retailer purchases the CED.

(b) A retailer shall be considered to have complied with paragraphs (1) and (2) of subsection (a) if:

(1) a manufacturer registers with the Agency ~~agency~~ within 30 days of a retailer taking possession of the manufacturer's CED;

(2) a manufacturer's registration expires and the retailer ordered the CED prior to the expiration, in which case the retailer may sell the CED, but only if the sale takes place within 180 days of the expiration; or

(3) a manufacturer is no longer conducting business and has no successor in interest, in which case the retailer may sell any orphan CED ordered prior to the discontinuation of business.

(c) Retailers shall not be considered collectors under the convenience standard and retail collection sites shall not be considered a collection site for the purposes of the convenience standard pursuant to Sections 1-10, 1-15, and 1-25 unless otherwise agreed to in writing by the (i) retailer, (ii) operators of the manufacturer manufacture e-waste program, and (iii) the applicable county, municipal joint action agency, or municipality coordinator. If retailers agree to participate in a county program collection site, then the retailer collection site does not have to collect all CEDs or register as a

collector.

(d) Manufacturers may use retail collection sites for satisfying some or all of their obligations pursuant to Sections 1-10, 1-15 and 1-25.

(e) Nothing in this Act shall prohibit a retailer from collecting a fee for each CED collected.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-40)

Sec. 1-40. Recycler responsibilities.

(a) By January 1, 2019, and by January 1 of each year thereafter for that program year, beginning with program year 2019, each recycler must register with the Agency by (i) submitting to the Agency a \$3,000 registration fee and (ii) completing and submitting to the Agency the registration form prescribed by the Agency. The registration form prescribed by the Agency shall include, without limitation, the address of each location where the recycler manages residential CEDs collected through a manufacturer e-waste program and the certification required under subsection (d) of this Section. All registration fees collected by the Agency pursuant to this Section shall be deposited into the Solid Waste Management Fund.

(a-5) The Agency may deny a registration under this Section if the recycler or any employee or officer of the recycler has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances related to the collection, recycling, or other management of CEDs;

(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing CEDs.

(b) The Agency shall post on the Agency's website a list of all registered recyclers ~~and the information requested by subsection (d) of Section 1-40.~~

(c) Beginning in program year 2019, no person may act as a recycler of residential CEDs for a manufacturer's e-waste program unless the recycler is registered with the Agency as required under this Section.

(d) Beginning in program year 2019, recyclers must, as a part of their annual registration, certify compliance at a ~~minimum, comply~~ with all of the following requirements:

(1) Recyclers must comply with federal, State, and local laws and regulations, including federal and State

minimum wage laws, specifically relevant to the handling, processing, and recycling of residential CEDs and must have proper authorization by all appropriate governing authorities to perform the handling, processing, and recycling.

(2) Recyclers must implement the appropriate measures to safeguard occupational and environmental health and safety, through the following:

(A) environmental health and safety training of personnel, including training with regard to material and equipment handling, worker exposure, controlling releases, and safety and emergency procedures;

(B) an up-to-date, written plan for the identification and management of hazardous materials; and

(C) an up-to-date, written plan for reporting and responding to exceptional pollutant releases, including emergencies such as accidents, spills, fires, and explosions.

(3) Recyclers must maintain (i) commercial general liability insurance or the equivalent corporate guarantee for accidents and other emergencies with limits of not less than \$1,000,000 per occurrence and \$1,000,000 aggregate and (ii) pollution legal liability insurance with limits not less than \$1,000,000 per occurrence for companies engaged solely in the dismantling activities and

\$5,000,000 per occurrence for companies engaged in recycling.

(4) Recyclers must maintain on file documentation that demonstrates the completion of an environmental health and safety audit completed and certified by a competent internal and external auditor annually. A competent auditor is an individual who, through professional training or work experience, is appropriately qualified to evaluate the environmental health and safety conditions, practices, and procedures of the facility. Documentation of auditors' qualifications must be available for inspection by Agency officials and third-party auditors.

(5) Recyclers must maintain on file proof of workers' compensation and employers' liability insurance.

(6) Recyclers must provide adequate assurance, such as bonds or corporate guarantees, to cover environmental and other costs of the closure of the recycler's facility, including cleanup of stockpiled equipment and materials.

(7) Recyclers must apply due diligence principles to the selection of facilities to which components and materials, such as plastics, metals, and circuit boards, from residential CEDs are sent for reuse and recycling.

(8) Recyclers must establish a documented environmental management system that is appropriate in level of detail and documentation to the scale and function of the facility, including documented regular self-audits

or inspections of the recycler's environmental compliance at the facility.

(9) Recyclers must use the appropriate equipment for the proper processing of incoming materials as well as controlling environmental releases to the environment. The dismantling operations and storage of residential CED components that contain hazardous substances must be conducted indoors and over impervious floors. Storage areas must be adequate to hold all processed and unprocessed inventory. When heat is used to soften solder and when residential CED components are shredded, operations must be designed to control indoor and outdoor hazardous air emissions.

(10) Recyclers must establish a system for identifying and properly managing components, such as circuit boards, batteries, cathode-ray tubes, and mercury phosphor lamps, that are removed from residential CEDs during disassembly. Recyclers must properly manage all hazardous and other components requiring special handling from residential CEDs consistent with federal, State, and local laws and regulations. Recyclers must provide visible tracking, such as hazardous waste manifests or bills of lading, of hazardous components and materials from the facility to the destination facilities and documentation, such as contracts, stating how the destination facility processes the materials received. No recycler may send, either

directly or through intermediaries, hazardous wastes to solid non-hazardous waste landfills or to non-hazardous waste incinerators for disposal or energy recovery. For the purpose of these guidelines, smelting of hazardous wastes to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(11) Recyclers must use a regularly implemented and documented monitoring and record-keeping program that tracks total inbound residential CED material weights and total subsequent outbound weights to each destination, injury and illness rates, and compliance with applicable permit parameters including monitoring of effluents and emissions. Recyclers must maintain contracts or other documents, such as sales receipts, suitable to demonstrate: (i) the reasonable expectation that there is a downstream market or uses for designated electronics, which may include recycling or reclamation processes such as smelting to recover metals for reuse; and (ii) that any residuals from recycling or reclamation processes, or both, are properly handled and managed to maximize reuse and recycling of materials to the extent practical.

(12) Recyclers must employ industry-accepted procedures for the destruction or sanitization of data on hard drives and other data storage devices. Acceptable guidelines for the destruction or sanitization of data are

contained in the National Institute of Standards and Technology's Guidelines for Media Sanitation or those guidelines certified by the National Association for Information Destruction.

(13) No recycler may employ prison labor in any operation related to the collection, transportation, and recycling of CEDs. No recycler may employ any third party that uses or subcontracts for the use of prison labor.

(e) Each recycler shall, during each calendar year, transport from each site that the recycler uses to manage residential CEDs not less than 75% of the total weight of residential CEDs present at the site during the preceding calendar year. Each recycler shall maintain on-site records that demonstrate compliance with this requirement and shall make those records available to the Agency for inspection and copying.

(f) Nothing in this Act shall prevent a person from acting as a recycler independently of a manufacturer e-waste program.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-45)

Sec. 1-45. Collector responsibilities.

(a) By January 1, 2019, and by January 1 of each year thereafter for that program year, beginning with program year 2019, a person acting as a collector under a manufacturer e-waste program shall register with the Agency by completing

and submitting to the Agency the registration form prescribed by the Agency. The registration form prescribed by the Agency must include, without limitation, the address of each location at which the collector accepts residential CEDs.

(a-5) The Agency may deny a registration under this Section if the collector or any employee or officer of the collector has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances related to the collection, recycling, or other management of CEDs;

(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing CEDs.

(b) The Agency shall post on the Agency's website a list of all registered collectors.

(c) Manufacturers and recyclers acting as collectors shall so indicate on their registration under Section 1-30 or 1-40 of this Act.

(d) By March 1 ~~January 31~~, 2020 and every March 1 ~~January 31~~ thereafter, each collector that operates a program collection site or one-day collection event shall report, to the Agency and to the manufacturer e-waste program, the total weight, by CED category, of residential CEDs transported from the program collection site or one-day collection event during the previous program year ~~its previous program year data on CEDs collected to the Agency and manufacturer clearinghouse to assist in satisfying a manufacturer's obligation pursuant to subsection (c) of Section 1-15.~~

(e) Each collector that operates a program collection site or one-day event shall ensure that the collected residential CEDs are sorted and loaded in compliance with local, State, and federal law ~~and in accordance with best practices recommended by the recycler and Section 1-85 of this Act.~~ In addition, at a minimum, the collector shall also comply with the following requirements:

(1) residential ~~all~~ CEDs must be accepted at the program collection site or one-day collection event unless otherwise provided in this Act;

(2) residential CEDs shall be kept separate from other material and shall be:

(A) packaged in a manner to prevent breakage; and

(B) loaded onto pallets and secured with plastic wrap or in pallet-sized bulk containers prior to shipping; and

(C) on average per collection site 18,000 pounds per shipment, and if not then the recycler may charge the collector a prorated ~~prorate~~ charge on the shortfall in weight, not to exceed \$600; ~~+~~

(3) residential CEDs shall be sorted into the following categories:

(A) computer monitors and televisions containing a cathode-ray tube, other than televisions with wooden exteriors;

(B) computer monitors and televisions containing a flat panel screen;

(C) all ~~other~~ covered televisions that are residential CEDs;

(D) computers;

(E) all other residential CEDs; and

(F) any electronic device that is not part of the manufacturer program that the collector has arranged to have picked up with residential CEDs and for which a financial arrangement has been made to cover the recycling costs outside of the manufacturer program; ~~and~~

(4) containers holding the CEDs must be structurally sound for transportation; and ~~+~~

(5) each shipment of residential CEDs from a program collection site or one-day collection event shall include a collector-prepared bill of lading or similar manifest,

which describes the origin of the shipment and the number of pallets or bulk containers of residential CEDs in the shipment.

(f) ~~(e)~~ Except as provided in subsection (g) ~~(f)~~ of this Section, each collector that operates a program collection site or one-day collection event during a program year shall accept all residential CEDs that are delivered to the program collection site or one-day collection event during the program year.

(g) ~~(f)~~ No collector that operates a program collection site or one-day collection event shall:

(1) accept, at the program collection site or one-day collection event, more than 7 residential CEDs from an individual at any one time; -

(2) scrap, salvage, dismantle, or otherwise disassemble any residential CED collected at a program collection site or one-day collection event;

(3) deliver to a manufacturer e-waste program, through its recycler, any CED other than a residential CED collected at a program collection site or one-day collection event; or

(4) deliver to a person other than the manufacturer e-waste program or its recycler, a residential CED collected at a program collection site or one-day collection event.

(h) ~~(g)~~ Beginning in program year 2019, registered

collectors participating in county supervised collection programs may collect a fee for each desktop computer monitor or television accepted for recycling to cover costs for collection and preparation for bulk shipment or to cover costs associated with the requirements of ~~cost for~~ subsection (e) of Section 1-45.

(i) ~~(h)~~ Nothing in this Act shall prevent a person ~~an individual~~ from acting as a collector independently of a manufacturer e-waste program.

(Source: 100SB1417enr.)

(100SB1417enr., Sec. 1-50)

Sec. 1-50. Penalties.

(a) Except as otherwise provided in this Act, any person who violates any provision of this Act is liable for a civil penalty of \$7,000 per ~~\$1,000 for the~~ violation, provided that the penalty for failure to register or pay a fee under this Act shall be double the applicable registration fee.

(b) The penalties provided for in this Section may be recovered in a civil action brought in the name of the people of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any penalties collected under this Section in an action in which the Attorney General has prevailed shall be deposited in the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund

Act.

(c) The Attorney General or the State's Attorney of a county in which a violation occurs may institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act or to require such actions as may be necessary to address violations of this Act.

(d) A fine imposed by administrative citation pursuant to Section 1-55 of this Act shall be \$1,000 per violation, plus any hearing costs incurred by the Illinois Pollution Control Board and the Agency. Such fines shall be made payable to the Environmental Protection Trust Fund to be used in accordance with the Environmental Protection Trust Fund Act.

(e) The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other law. Nothing in this Act bars a cause of action by the State for any other penalty, injunction, or other relief provided by any other law.

(f) A knowing violation of subsections (a), (b), or (c) of Section 1-83 of this Act by anyone other than a residential consumer is a petty offense punishable by a fine of \$500. A knowing violation of subsections (a), (b), or (c) of Section 1-83 by a residential consumer is a petty offense punishable by a fine of \$25 for a first violation; however, a subsequent violation by a residential consumer is a petty offense punishable by a fine of \$50.

(g) Any person who knowingly makes a false, fictitious, or

fraudulent material statement, orally or in writing, to the Agency, related to or required by this Act or any rule adopted under this Act commits a Class 4 felony, and each such statement or writing shall be considered a separate Class 4 felony. A person who, after being convicted under this subsection (g), violates this subsection (g) a second or subsequent time, commits a Class 3 felony.

(Source: 10000SB1417enr.)

(100SB1417enr., Sec. 1-55)

Sec. 1-55. Administrative citations.

(a) Any violation of a registration requirement in Sections 1-30, 1-40, or 1-45 of this Act, any violation of the reporting requirement in paragraph (4) of subsection (b) of Section 1-10 of this Act, and any violation of a ~~the~~ plan submission requirement in ~~subsection (a) of~~ Section 1-25 of this Act shall be enforceable by administrative citation issued by the Agency. Whenever Agency personnel shall, on the basis of direct observation, determine that any person has violated any of those provisions, the Agency may issue and serve, within 60 days after the observed violation, an administrative citation upon that person. Each citation shall be served upon the person named or the person's authorized agent for service of process and shall include the following:

(1) a statement specifying the provisions of this Act that the person has violated;

(2) the penalty imposed under subsection (d) of Section 1-50 of this Act for that violation; and

(3) an affidavit by the personnel observing the violation, attesting to their material actions and observations.

(b) If the person named in the administrative citation fails to petition the Illinois Pollution Control Board for review within 35 days after the date of service, then the Board shall adopt a final order, which shall include the administrative citation and findings of violation as alleged in the citation and shall impose the penalty specified in subsection (d) of Section 1-50 of this Act.

(c) If a petition for review is filed with the Board to contest an administrative citation issued under this Section, then the Agency shall appear as a complainant at a hearing before the Board to be conducted pursuant to subsection (d) of this Section at a time not less than 21 days after notice of the hearing has been sent by the Board to the Agency and the person named in the citation. In those hearings, the burden of proof shall be on the Agency. If, based on the record, the Board finds that the alleged violation occurred, then the Board shall adopt a final order, which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified in subsection (d) of Section 1-50 of this Act. However, if the Board finds that the person appealing the citation has shown

that the violation resulted from uncontrollable circumstances, then the Board shall adopt a final order that makes no finding of violation and imposes no penalty.

(d) All hearings under this Section shall be held before a qualified hearing officer, who may be attended by one or more members of the Board, designated by the Chairman. All of these hearings shall be open to the public, and any person may submit written statements to the Board in connection with the subject of these hearings. In addition, the Board may permit any person to offer oral testimony. Any party to a hearing under this Section may be represented by counsel, make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of those actions. All testimony taken before the Board shall be recorded stenographically. The transcript so recorded and any additional matter accepted for the record shall be open to public inspection, and copies of those materials shall be made available to any person upon payment of the actual cost of reproducing the original.

(Source: 100SB1417enr.)

(S.B. 1417, 100th G.A., Sec. 1-84 new)

Section 1-84. Allocation of financial responsibilities among manufacturers.

(a) Within 9 months after its receipt of the rulemaking proposal described in subsection (b) of this Section, the Pollution Control Board shall adopt rules regarding the

allocation of financial responsibilities for the transportation and recycling of collected residential CEDs among manufacturers participating in a manufacturer e-waste program. To ensure the equitable and efficient allocation of those obligations, the rules adopted by the Pollution Control Board shall include a formula that shall be used by manufacturers to identify their proportional responsibility for the transportation and recycling of collected residential CEDs. The formula developed by the Pollution Control Board shall take into consideration each manufacturer's market and return shares and any other factors the Pollution Control Board deems relevant. The rules adopted by the Pollution Control Board under this Section shall also allow manufacturers to use retail collection sites to satisfy some or all of their responsibilities for the transportation and recycling of collected residential CEDs.

(b) To assist the Pollution Control Board, there is hereby created an Advisory Financial Responsibility Allocation Task Force, which shall consist of the following members, to be appointed by the Director of the Environmental Protection Agency:

(1) one individual who is a representative of a statewide association representing retailers;

(2) one individual who is a representative of a statewide association representing manufacturers;

(3) one individual who is a representative of a

national association representing manufacturers of consumer electronics; and

(4) one individual who is a representative of a national association representing the information technology industry.

As soon as practicable after the effective date of this amendatory Act of the 100th General Assembly, members of the Advisory Financial Responsibility Allocation Task Force shall be appointed and meet. The Advisory Financial Responsibility Allocation Task Force shall file with the Pollution Control Board, by no later than October 1, 2017, a rulemaking proposal, which sets forth a system for allocating financial responsibilities for the transportation and recycling of collected CEDs among manufacturers participating in a manufacturer e-waste program.

Members of the Advisory Financial Responsibility Allocation Task Force shall serve voluntarily and without compensation.

Members of the Advisory Financial Responsibility Allocation Task Force shall elect from their number a chairperson. The Task Force shall meet initially at the call of the Director of the Agency and thereafter at the call of the chairperson. A simple majority of the members of the Task Force shall constitute a quorum for the transaction of business, and all actions and recommendations of the Task Force must be approved by a simple majority of its members.

(c) The rulemaking required under this Section shall be conducted in accordance with Title VII of the Environmental Protection Act, except that no signed petitions for the rulemaking proposal shall be required.

(d) The Agency shall provide administrative support to the Task Force as needed.

(e) The Advisory Financial Responsibility Allocation Task Force is dissolved by operation of law on January 1, 2019.

(100SB1417enr., Sec. 1-85)

Sec. 1-85. Advisory Electronics Recycling Task Force ~~Best practices.~~

(a) There is hereby created an Advisory Electronics Recycling Task Force, which shall consist of the following 10 ~~By November 1, 2018 and November 1 of each year thereafter, an advisory stakeholder group shall submit a document, to be approved annually by a majority of the stakeholder group, of agreed to best practices to be used in the following program year and made available on the Agency website. The best practices stakeholder group shall be made up of 8 members, to~~ be appointed by the Director of the Agency:

(1) two individuals who are ~~, including 2~~ representatives of county recycling programs; ~~7~~

(2) two individuals who are ~~2~~ representatives of recycling companies; ~~7~~

(3) two individuals who are ~~2~~ representatives from the

manufacturing industry; 7

(4) one individual who is a ~~one~~ representative of ~~from~~
a statewide trade association representing retailers; 7

(5) one individual who is a ~~one~~ representative of a
statewide trade association representing manufacturers; 7

(6) one individual who is a one representative of a
statewide trade association representing waste disposal
companies; 7 and

(7) one individual who is a ~~one~~ representative of a
national trade association representing manufacturers.

Members of the Task Force shall be appointed as soon as
practicable after the effective date of this amendatory Act of
the 100th General Assembly, shall serve for 2-year terms, and
may be reappointed. Vacancies shall be filled by the Director
of the Agency for the remainder of the current term. Members
shall serve voluntarily and without compensation.

Members shall elect from their number a chairperson, who
shall also serve a 2-year term. The Task Force shall meet
initially at the call of the Director of the Agency and
thereafter at the call of the chairperson. A simple majority of
the members of the Task Force shall constitute a quorum for the
transaction of business, and all actions and recommendations of
the Task Force must be approved by a simple majority of its
members.

(b) By November 1, 2018, and each November 1 thereafter,
the Task Force shall submit, to the Agency for posting on the

Agency's website, a list of agreed-to best practices to be used at program collection sites and one-day collection events in the following program year. When establishing best practices, the Task Force shall consider the desired intent to preserve existing collection programs and relationships when possible.

(c) The Agency shall provide the Task Force with administrative support as necessary.

(Source: 100SB1417enr.)

(100SB1417enr, Sec. 1-60 rep.)

Section 7. If and only if Senate Bill 1417 of the 100th General Assembly becomes law, then Section 1-60 of the Consumer Electronics Recycling Act is repealed.

Section 10. If and only if Senate Bill 1417 of the 100th General Assembly becomes law, then Section 100 of the Electronic Products Recycling and Reuse Act is amended as follows:

(415 ILCS 150/100)

Sec. 100. Repeal. This Act is repealed on January 1, 2020
~~2019~~.

(Source: 100SB1417enr.)

Section 99. Effective date. This Act takes effect upon becoming law or on the date the Consumer Electronics Recycling Act takes effect, whichever is later.